

1
2 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
3 **APPEALS HEARING OFFICER MEETING**
4

5 **Thursday, September 10, 2020**

6 **5:00 p.m.**

7 **Meeting Held Electronically**
8

9 ***ATTENDANCE***

10
11 **Present:** Paxton Guymon, Appeals Hearing Officer
12 Kent Withers, Applicant
13

14 **Staff:** Andrew Hulka, Senior City Planner
15 Heather Sundquist, Deputy City Recorder
16

17 **1.0 WELCOME AND ACKNOWLEDGMENTS**
18

19 Appeals Hearing Officer Paxton Guymon called the meeting to order at 5:03 p.m.
20

21 AHO Guymon read in its entirety the Determination giving the Appeals Hearing Officer the
22 authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).
23

24 **2.0 ACTION ITEMS**
25

26 **2.1 (Project AHO-20-001) Action on a Request from Kent Withers (on Behalf of**
27 **Charles Koehn) for an Addition to an Existing Legal Non-Conforming**
28 **Building at 7784 South. Caballero Drive.**
29

30 Mr. Guymon reported that the above request is from Kent Withers, on behalf of Charles Koehn,
31 who is seeking an addition to an existing legal non-conforming building located at 7784 South
32 Caballero Drive. The property is 1.2 acres in size and the request is for approval to expand a non-
33 conforming use by building a new shop or garage next to the existing riding arena.
34

35 Senior City Planner, Andrew Hulka presented the staff report and stated that the request is for an
36 addition to an existing legal non-conforming building. A visual description of the property was
37 shared. This action requires the approval of the Appeals Hearing Officer due to the non-
38 conformance of the existing structure relative to the size coverage requirements of the zoning
39 ordinance. The riding arena structure is significantly larger than the home on the property and also
40 larger than 25% of the rear yard, which is another requirement for an accessory structure. He
41 explained that this is an expansion of a non-conforming use and a portion of the proposed addition
42 crosses over the property line into the adjacent parcel. Both parcels are owned by the same owner,
43 Charles Koehn.
44

45 A lot line adjustment would be required to approve the addition and is one of staff's recommended
46 conditions of approval. Mr. Hulka noted that with the lot line adjustment, they would be

1 addressing and fixing another non-conformity of the north property as it currently does not meet
2 the minimum lot size standards for the zone. The zone requires a one-acre minimum lot size,
3 however, the subject property is only .76-acre in size. The proposed lot line adjustment would
4 bring both properties into compliance and meet the one-acre requirement.

5
6 The applicant, Kent Withers, stated that the property owner also owns the parcel directly adjacent
7 to the west.

8
9 Mr. Hulka reported that the Appeals Hearing Officer may approve the extension of a non-
10 conforming structure upon finding that the addition will be in harmony with one or more of the
11 purposes stated in Section 19.02.1020 and the proposed change does not impose an unreasonable
12 burden on the lands located in the vicinity of the non-conforming building. He reviewed the
13 findings set forth in the staff report. It was noted that the applicant will be required to meet all
14 other zoning standards, heights, and setbacks for accessory structures. It was his understanding
15 that the request for the addition will be of benefit and use to both properties. Staff recommended
16 approval of the request with one recommended condition of approval requiring the applicant to
17 complete a lot line adjustment that meets all setback and lot size standards of the RR-1-43 zone.

18
19 Mr. Guymon confirmed that the proposed extension will not exceed 1,200 square feet in size and
20 a building permit will be required.

21
22 **Mr. Guymon reviewed the staff report and the Code and agreed with staff's recommendation**
23 **and findings. The request was approved subject to the following:**

24
25 **Findings Required by Code:**

- 26
27 **1. The addition to, enlargement of, moving, or reconstruction of the non-**
28 **complying building at a new location on the lot will be in harmony with one or**
29 **more of the purposes stated in Section 19.02.020 and shall be in keeping with**
30 **the intent of this title.**
31
32 **2. The proposed change does not impose any unreasonable burden upon the**
33 **lands located in the vicinity of the non-conforming use or non-complying**
34 **building.**

35
36 **Findings:**

- 37
38 **1. The proposal will not negatively affect the health, safety, convenience, order,**
39 **prosperity, and welfare of the present and future inhabitants of the City**
40 **because the use is the same as currently exists.**
41
42 **2. The proposal will not create any additional congestion in the streets or roads.**
43
44 **3. The proposal will not create a fire safety issue.**
45

- 1 **4. The proposal will not affect airflow or block natural light from adjoining**
2 **properties by conforming with all height regulations.**
- 3
- 4 **5. The proposal will have no apparent negative effect on the City's tax base.**
- 5
- 6 **6. The proposal will not place any type of unreasonable burden upon**
7 **neighboring properties.**
- 8
- 9 **7. The proposal is in keeping with the intent of the Cottonwood Heights Zoning**
10 **Ordinance.**

11
12 **Conditions:**

- 13
- 14 **1. The applicant must complete a lot line adjustment that meets the setback and**
15 **lot size standards of the RR-1-43 Rural Residential Zone.**
- 16
- 17 **2. The new structure will not exceed 1,200 square feet in size.**
- 18
- 19 **3. A Building Permit will be issued and complied with.**
- 20

21 Mr. Hulka reported that a Letter of Approval would be prepared for AHO Guymon's signature.

22
23 **3.0 CONSENT AGENDA**

24
25 **3.1 Approval of September 10, 2020 Minutes.**

26
27 *(The Appeals Hearing Officer will approve the minutes of the September 10, 2020 meeting after*
28 *the following process is met. The Recorder will prepare the minutes and email them to the hearing*
29 *officer. The hearing officer will have five days to review the minutes and provide any changes to*
30 *the recorder. If, after five days there are no changes, the minutes will stand approved. If there*
31 *are changes, the process will be followed until the changes are made and the hearing officer is in*
32 *agreement, at which time the minutes shall be deemed approved.)*

33
34 **4.0 ADJOURNMENT**

35
36 The Appeals Hearing Officer Meeting adjourned at approximately 5:21 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Appeals Hearing Officer Meeting held Thursday, September 10, 2020.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: September 15, 2020